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THE FOOTHILL-DE ANZA COMMUNITY  
COLLEGE DISTRICT, DE ANZA COMMUNITY  
COLLEGE, LLOYD A. HOLMES, LEE  
LAMBERT, PATRICK AHRENS, LAURA  
CASAS, PEARL CHENG, PETER  
LANDSBERGER, GILBERT WONG AND  
ALICIA CORTEZ, THOMAS RAY, CHRISTINA  
ESPINOSA-PIEB, and LYDIA HEARN

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

TABIA LEE,

Plaintiff,

vs.

THE FOOTHILL-DE ANZA  
COMMUNITY COLLEGE DISTRICT,  
DE ANZA COLLEGE, PATRICK J.  
AHRENS, LAURA CASAS, PEARL  
CHENG, PETER LANDSBERGER, LEE  
LAMBERT, and GILBERT WONG, in  
their official capacities; CHRISTINA  
ESPINOSA-PIEB, in her official and  
individual capacities; ALICIA CORTEZ,  
LYDIA HEARN, LLOYD A. HOLMES,  
and THOMAS RAY, in their individual  
capacities,

Defendants.

Case No. 5:23-cv-03418-PCP

**DECLARATION OF JAYNE BENZ  
CHIPMAN IN SUPPORT OF  
DEFENDANTS' REQUEST FOR  
JUDICIAL NOTICE**

I, Jayne Benz Chipman, declare as follows:

1. I am an attorney admitted to practice law in the State of California and before this

1 Court. I am a partner in the law firm of Plaza de Jennings & Chipman LLP, attorneys of record  
2 for Defendants The Foothill-De Anza Community College District, De Anza Community  
3 College, Lloyd A. Holmes, Patrick Ahrens, Laura Casas, Pearl Cheng, Peter Landsberger, Lee  
4 Lambert, Gilbert Wong, Alicia Cortez, Thomas Ray, Christina Espinosa-Pieb, and Lydia Hearn  
5 (collectively, "Defendants"). I have personal knowledge of the facts stated herein and could  
6 testify competently to them if called upon to do so.

7 2. Attached hereto as Exhibit 1 is a true and correct copy of the Job Description for  
8 the Director of the Office of Equity, Social Justice, and Multicultural Education, referenced in the  
9 Second Amended Complaint at ¶ 30.

10 3. Attached hereto as Exhibit 2 is a true and correct copy of Plaintiff's "Tabia Lee,  
11 EdD Report to De Anza College Academic Senate November 29, 2021," referenced in the Second  
12 Amended Complaint at ¶¶ 103, 104.

13 4. Attached hereto as Exhibit 3 is a true and correct copy of a November 16, 2021  
14 email exchange between Plaintiff and the De Anza College Institutional Research and Planning  
15 Chair, Mallory Newell, Ed.D., referenced in the Second Amended Complaint at ¶¶ 87, 88.

16 5. Attached hereto as Exhibit 4 is a true and correct copy of the February 23, 2023  
17 Notice of Non-Renewal letter to Tabia Lee.

18 6. Attached hereto as Exhibit 5 is a true and correct copy of a December 6, 2022  
19 letter posted on the District's website referenced in the Second Amended Complaint at ¶ 171.

20 7. Attached hereto as Exhibit 6 is a true and correct copy of the Notice of Case  
21 Closure and Right to Sue letter with attachment that Plaintiff's legal counsel provided to Defense  
22 counsel on September 18, 2023.

23 I declare under penalty of perjury under the laws of the State of California that the  
24 foregoing is true and correct. Executed on this 14th day of June, 2024, in Alameda, California.

25   
26 JAYNE BENZ CHIPMAN

# Exhibit 1

**Closing Date: 8/5/21\***

\*For full-consideration, all application packets must be received by 11:59 pm on the closing date. Any complete applications received after the review date will only be forwarded to the hiring committee at their request.

The Foothill-De Anza Community College District is currently accepting applications for **Director of the Office of Equity, Social Justice, and Multicultural Education**, a tenure-track, full-time position, which reports to the Dean of Equity & Engagement.

**ABOUT THE DISTRICT**

Foothill - De Anza Community College District, composed of two colleges and an education center, is one of the top performing districts in both California and the United States, and one of the largest, ranking seventh in size among the state's 72 districts, serving more than 58,500 students per year and with an operating budget of \$180M unrestricted general fund. Consistent with its mission, the District has a strong commitment to equity and inclusion and incorporates those values in its policies, procedures, and operations, and in its leadership and service to students and the community. Publicly supported and locally oriented, the District fills an essential role in workforce development, continuing education, and skills preparation to meet the changing demands of the highly diverse surrounding population and business communities. The District's students and more than 2,000 faculty and staff enjoy an unparalleled quality of life in an ideal climate, with physically pristine and fiscally sound campuses that have earned their reputation for academic excellence.

**Foothill – De Anza Community College District Mission Statement:**

The mission of the Foothill–De Anza Community College District is student success. We are driven by an equity agenda and guided by core values of excellence, inclusion, and sustainability. Every member of our district contributes to a dynamic learning environment that fosters student engagement, equal opportunity, and innovation in meeting the various educational and career goals of our diverse students. We are committed to providing an accessible, quality undergraduate education dedicated to developing a broadly educated and socially responsible community that supports an equitable and just future for California.

**De Anza College Mission Statement:**

De Anza College provides an academically rich, multicultural learning environment that challenges students of every background to develop their intellect, character and abilities; to realize their goals; and to be socially responsible leaders in their communities, the nation and the world.

De Anza College fulfills its mission by engaging students in creative work that demonstrates the knowledge, skills and attitudes contained within the college's Institutional Core Competencies:

- Communication and expression
- Information literacy
- Physical/mental wellness and personal responsibility
- Civic capacity for global, cultural, social and environmental awareness
- Critical thinking

**JOB SUMMARY**

The Director of Equity, Social Justice, and Multicultural Education, is a tenure-track, full-time position, that reports to the Dean of Equity & Engagement. It has leadership responsibilities for the college's student equity plan including program planning and evaluation, as well as resource allocation and accountability. This key position is responsible for facilitating an institution-wide transformation that realizes and promotes our commitment to equity, social justice, and multicultural education for students, classified professionals, faculty and administrators. This position provides leadership and expertise to support the equity work across campus to meet the State Chancellor's Office Vision for Success goals. The position is responsible for supporting the college's equity plan by working collaboratively with and mentoring teaching and non-teaching faculty and classified professionals in culturally responsive and transformative curriculum and pedagogy, promoting culturally responsive services, and for promoting an inclusive campus

environment.

#### **DUTIES AND RESPONSIBILITIES OF THE POSITION**

Reporting to the Dean of Equity and Engagement, develop, implement, promote and support the college's Student Equity Plan goals across the campus. Collaborate with the Program Coordinator in the Office of Equity, Social Justice and Multicultural Education to develop, coordinate, implement, conduct, and evaluate equity initiatives and college equity goals.

#### **Provide leadership and expertise:**

- Work directly with shared governance bodies (e.g., curriculum committee, academic and classified senates, De Anza Student Government, administrative leadership) to achieve the De Anza College mission and institutional core competencies as they relate to cultural competence.
- Develop, advocate for, and collaborate on diversity, equity, social justice, and multicultural education initiatives with administrators, faculty, staff, students, and community partners.
- Lead and provide strategic planning for institutional transformation to advance racial equity, social justice, and multicultural education goals.
- Demonstrate initiative and creativity in developing and implementing anti-racist, anti-oppressive in-services as well as educational programs designed to assist administrators, faculty, staff, and students to cultivate an understanding, sensitivity and respect for all cultural groups, genders, sexual orientations, and persons with varying abilities.
- Serve as faculty lead with the campus Equity Action Council.

#### **Faculty Training and Collaborations:**

- Play a leadership role in developing culturally responsive and transformative curriculum for faculty, STEM, and other learning communities and programs.
- Develop, coordinate, implement, and conduct workshops focused on cultural humility, cultural responsiveness, social emotional learning, cultural capital and strengths-based learning.
- Work closely with the Guided Pathways Core Team and Office of Professional and Organizational Development to assist in achieving the equity, social justice, and the multicultural education goals of the campus.
- Facilitate inclusive processes that empower all constituent groups to be part of institutional transformation.
- Participate in the training of search and selection committees as needed.
- Facilitate faculty and staff from moving to data inquiry to incorporating best practice.
- Program Development and Management:
- Perform administrative responsibilities including fiscal management and resource development.
- Write reports and program reviews for the Office of Equity and Jean Miller Resource Room for Women, Gender and Sexualities and other new initiatives.
- In collaboration with the Office of Equity team, provide leadership and direction in establishing program goals and evaluation.

Standard duties expected of all faculty including the development and evaluation of curricula, maintaining scheduled office hours, attending division meetings, pursuing professional growth activities and performing other duties consistent with the role of an instructor. Instructors also have the opportunity to serve on District and College committees and to participate in campus extra-curricular activities. This position requires working several evenings during the year and working some weekends.

#### **MINIMUM QUALIFICATIONS**

1. Understanding of, sensitivity to, and respect for the diverse academic, socio-economic, ethnic, religious, and cultural backgrounds, disability, and sexual orientation of community college students, faculty and staff.

2. Must meet the state mandated applicable minimum qualification for a faculty appointment in a subject discipline offered at De Anza College. Minimum qualifications for faculty and administrators for the California Community Colleges can be viewed at: <https://www.cccco.edu/About-Us/Chancellors-Office/Divisions/Educational-Services-and-Support/What-we-do/Educational-Programs-and-Professional-Development/Minimum-Qualifications>
3. In most cases, this requires a master's degree or the equivalent.
4. Demonstrated teaching and/or facilitation experience.

#### **PREFERRED QUALIFICATIONS**

1. Three years demonstrated culturally responsive teaching, training, and/or facilitation in areas related to this position.
2. Experience with culturally responsive and transformative curriculum and pedagogy.
3. Demonstrated commitment to equity and racial equity, social justice, and multicultural education.
4. Experience in implementing transformative organizational change, focused on anti-oppressive practices, racial equity, social justice, and multicultural education.
5. Well-developed leadership skills, including interpersonal communication and cultural competency.
6. Experience in administrative, fiscal and project management, and hiring.
7. Experience with culturally responsive conflict resolution.

#### **KNOWLEDGE, SKILLS AND ABILITIES**

In addition, successful candidates will demonstrate the following:

1. Knowledge of and experience with issues of cultural diversity and equity, gender, sexual orientation, and ability.
2. Knowledge of and experience with concepts and methods of transformative organizational change as they relate to diversity, equity, social justice, and multicultural education.
3. Demonstrate creativity, initiative and flexibility in implementing our diversity, racial equity, social justice, and multicultural education initiatives.
4. Knowledge of Equal Opportunity principles.
5. Ability to manage fiscal and human resources.
6. Ability to plan, organize work independently and manage multiple priorities.
7. Ability to think and act under pressure with a high level of efficiency.
8. Ability to assess situations, pivot and adapt an effective course of action.
9. Excellent verbal and written communication skills.
10. Technical computer proficiency.

#### **WORKING CONDITIONS**

##### **Environment:**

1. Indoor, in classroom, office, or online environment.

##### **Physical Abilities:**

(Applicants should perform these physical abilities with or without reasonable accommodations)

- Hearing and speaking to exchange information.
- Vision sufficient to read various materials.
- Dexterity of hands and fingers to perform the tasks required of the position.
- Regularly stand, walk, and sit for extended periods of time.

- Bending at waist, kneeling, or crouching.
- Reaching overhead, above the shoulders, and horizontally.
- Lifting and carrying objects up to 20 lbs.

#### **APPLICATION PACKET**

1. A District on-line application to be completed at <http://hr.fhda.edu/careers/> \*In the application, you will provide information, which demonstrates your understanding of, sensitivity to, and respect for the diverse academic, socio-economic, ethnic, religious, and cultural backgrounds, disability, and sexual orientation of community college students, faculty and staff. Additionally, you will be asked to explain how your life experiences, studies or work have influenced your commitment to diversity, equity and inclusion.
2. A cover letter detailing your background and experience, skills, and abilities as they relate to the minimum and preferred qualifications of this position.
3. A current resumé of all work experience, formal education and training.
4. The following supplemental material: an essay of no more than 500 words, discuss the following: What is your vision for a De Anza College that fully embraces multicultural education, racial equity, and social justice. What is the first action you would take to realize that vision?

**If any required application materials are omitted, the committee will not review your application packet. Application materials not required (including reference letters) for this position will not be accepted. For full-consideration, all application packets must be received by 11:59 pm on the closing date.**

If you are selected as a finalist, you will be asked to provide the names and telephone numbers of colleagues who have first-hand knowledge of what you have described above.

If you wish to request equivalency for this position (if you believe you do not otherwise meet minimum qualifications via educational degree attainment as specified), you must submit the Request for Equivalency form and supporting documentation. This form must be submitted with your application packet. You may either scan a hard copy of this form with your application packet or submit it as a Word document with your application packet. [http://hr.fhda.edu/\\_downloads/Equivalency.pdf](http://hr.fhda.edu/_downloads/Equivalency.pdf)

Please allow yourself ample time to complete your application and resolve any technical difficulties that may arise with your submission. We do not guarantee a response to application questions within 48 hours of the closing date. You may also visit our "Applicant Information" webpage to assist with technical difficulties at: <http://hr.fhda.edu/careers/a-applicant-instructions.html>

**HIRING RANGE:** Annually plus benefits; actual placement is based on applicant's verified education and experience. For the complete Faculty Salary Schedule, go to: [http://hr.fhda.edu/\\_downloads/2019-2020%20Faculty%20Salary%20Schedules.pdf](http://hr.fhda.edu/_downloads/2019-2020%20Faculty%20Salary%20Schedules.pdf). The candidate selected for the position will need to provide copies of official transcripts for salary placement. Do not submit transcripts with your application.

Excellent benefits package which includes medical coverage for employee and eligible dependents, dental, vision care, employee assistance program, long term disability, retirement benefits and basic life insurance. Other voluntary benefits are also available such as legal assistance, pet insurance, and long-term care. For a full list of benefits: <https://hr.fhda.edu/benefits/b-new-hire-benefits/index.html>

Faculty are also eligible for paid professional development leaves and stipends for educational and professional development. In addition, the District is a participating member of the California State Teachers Retirement System (CalSTRS) and the successful applicant would be a member of the Faculty Association (FA). The current Faculty/District Agreement can be found online at: [https://hr.fhda.edu/\\_downloads/19-22%20FA%20Agreement\\_FINAL.pdf](https://hr.fhda.edu/_downloads/19-22%20FA%20Agreement_FINAL.pdf).

**TERMS OF EMPLOYMENT:** Full-time, Tenure-track, 11-months per year

**STARTING DATE:** Fall 2021 (September 16, 2021)

Persons with disabilities who require reasonable accommodation to complete the employment process must notify Employment Services no later than the closing date of the announcement. The successful applicant will be required to provide proof of authorization to work in the U.S. The Foothill-De Anza Community College District does not reimburse applicants for travel, lodging or any other costs incurred by applicant to attend interviews. All interviewing costs incurred will be the responsibility of the applicant.

For more information about our application process contact:

Employment Services

Foothill-De Anza Community College District

12345 El Monte Road

Los Altos Hills, California 94022

(650) 949-6217

Email: [employment@fhda.edu](mailto:employment@fhda.edu)

<http://hr.fhda.edu/>

# Exhibit 2

## Tabia Lee, EdD Report to De Anza College Academic Senate November 29, 2021

First, Happy Hanukkah to all celebrating on our campus... wishing you a season filled with light and love! I have linked information about our upcoming activities on the report out that I invite you to take a look at – our office is seeking student volunteers for One Book activities and the registration form for the Winter I.D.E.A. Workshops is linked there too.

As my first quarter here at De Anza comes to a close, I have some remarks for this body and I also will link the text on the report-outs. The quarter system has been a brutal adjustment for me, but my friends and colleagues have kept me on track. I have been having some awesome needs assessment conversations that will continue into the Winter quarter and I plan to report out on them in the Spring; thank you to all that have helped me to learn more about the context of this work.

Recently, one of my colleagues that I highly respect met with me. They explained that they work from an anti-racist perspective and that because I have recently been advocating for our state and local senates to remain ideologically neutral and/or at least more ideologically inclusive in their resolutions and actions, they felt that they could no longer advance the anti-racist work that they had worked hard to advance over many years. I was floored to hear this. I explained to my colleague that I was baffled by how they somehow connected two completely unrelated items to a reflection on their personal pedagogical practice and I also shared with them that this extrapolation concerns me deeply. How could my personal advocacy for faculty academic freedom lead them to such a conclusion? Thankfully, we worked together to unpack it.

My colleague shared that they had not yet attended any of my I.D.E.A. workshops and I shared with them that if they had they would see that my approach is one of unity and inclusion of diverse faculty ideological perspectives and learning together that intentionally centers respect for academic freedom and diversity of thought. At the end of our conversation, my colleague also shared with me that my role has a large impact and that the things I say in it have a large impact. To that I said and say today, I find that viewpoint problematic in many ways. I also note that one person does not symbolize or embody equity, social justice, and multicultural education. My work here at De Anza is not a *me* effort, instead this is a *we* effort that is ongoing, dynamic, and complex. We have to all work together in this world and in our learning community for greater equity. In the scope of this Academic Senate body, for me working together means protecting Academic Freedom for all even those we may be in disagreement with. When we inevitably disagree with one another, please understand for real that I am not the great Black hope for Equity, so please don't try to cast me as such. I am just a person, a colleague, a human being. If you have not yet had a conversation with me, have a conversation with me. If you have not yet come to my workshops, come to them. At my workshops by design you may hear or be exposed to diverse ideas, controversies, different thoughts, and utterances. It's fun!

As I reflect on the journey so far, I understand that there is much excitement about finally having a Faculty Director for the Office, having been without one since I believe around 2015 or so; I am thankful to my colleagues Adriana, Chesa, and Tony—a very close-knit team—for making space for me as a new team member to continue and further the work of faculty curriculum and pedagogy support and collaboration. And last but not least I am also most thankful for my colleagues and mentors that have embraced me from Day 1 and who continue to uplift me and encourage me during what sometimes are truly embattled times. I am becoming more aware of my positionality and the power dynamics here. I note that at some colleges, they have a Director level position for Equity that is positioned in the power structure to actually be able to direct folks in the institution towards greater equity and in those situations the Director of Equity is an individual that can actually set and transform institutional policy,

structures, and activities to advance systemic equity. Here at De Anza since 2017 or so, we have a Dean of Equity and Engagement that does all of those things (and then some) that you would generally expect a Director of Equity to do in other organizational structures.

And so, my faculty role here at De Anza is not a Director level position even though the word Director is in the title; I am a Faculty Director and my contract and compensation reflect that positionality and responsibility area. As non-instructional faculty, I have job description that mentions leadership, faculty support, and collaboration. The reality of my role as the Faculty Director for the Office of Equity, Social Justice and Multicultural Education is that I do not supervise or direct anyone but myself, I do not set policy, I truly don't even really lead or act without the guidance of my Dean, tenure committee, and senior leadership; noting that if I step out of their gaze or wishes, or if I upset or trigger the wrong person, or if I push too hard or too quickly for a more equitable learning environment for all students, staff, and faculty during this 4-year tenure track process, I may swiftly no longer be serving in this role. It is a precarious and ironic situation to be in that I am made acutely aware of on a daily basis. Thank you for understanding the power plays I work with and navigate as a Black, multiracial woman here at De Anza and in the world. To my colleague that engaged me and inspired me to share these remarks in my report, thank you for our courageous conversation and may we continue to have many more... **this is the Work**. Wrapping up, I appreciate and respect you even when we disagree.

So I ask my colleagues in the Senate and more widely to understand and have compassion around the fact that my role here at De Anza is a faculty support role that comes with all of the benefits as well as the multitude of constraints of being a faculty member in this power hierarchy. What it really means is that I alone have next to no power, but we together can create change. Change is very slow when it is being made by the bottom layers of organizational leadership. The pace of the changes we manifest together for equity, social justice, and multicultural education will depend on our collective willingness and will to transform; it is not up to me, it is up to we.

I am bringing you my most authentic self, all of it. I appreciate all those who have engaged me as an equal and humble lifelong co-learner that welcomes all irrespective of their ideological frames, because I so deeply respect your rights to and the great importance of Academic Freedom. My partners in these efforts recognize that equity work is complex and messy and mistakes can and will be made by all of us; thank you for being willing to do that work with compassion, humility, and acceptance instead of judgment, assumption, and exclusion. I am a resource for you. I cherish your friendship, communication, and collaboration to accomplish what we can together in our shared positionality in this organizational space. I look forward to hopefully working with all of you for as long as I can to make the small changes we can make as faculty, together... supporting all efforts to move ahead at all times. Again expressing gratitude for the opportunity to learn and experience so many things. I am providing my Office Hour and appointment reservation information for all to connect and encourage my colleagues here in the Senate and more widely to hold on tight as the Fall Quarter comes to a close and just breathe, Winter Recess is nigh!

**Tabia Lee, EdD (Preferred Name: Lee, My Pronouns: she/her/hers)**

Faculty Director for the [Office of Equity, Social Justice, and Multicultural Education](#)

De Anza College, Media & Learning Center 250, Cupertino, CA 95014

Phone 408.372.6609 | Email [leetabia@fhda.edu](mailto:leetabia@fhda.edu)

[Zoom Drop-In Office Hours](#) M-TH from 11:30-12:30 - Join in any time!

and/or [Reserve an Appointment with me](#)

"Systems of oppression and privilege are interacting and mutually constitutive and reinforcing; we cannot oppose only one system of inequality and meet with any success. We must work to undermine all forms of inequality simultaneously." (Ferber & Samuels, 2010)

# Exhibit 3

## Mallory Newell

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**From:** Tabia Lee <leetabia@fhda.edu>  
**Sent:** Tuesday, November 16, 2021 5:12 PM  
**To:** Mallory Newell  
**Cc:** Lisa Ly  
**Subject:** Re: Student Survey Terms – Request for Information

Thank you Mallory, it is really helpful for me to learn more and to understand how ideas are adopted and implemented here.

I understand from speaking to members of those campus groups that they have also grappled with where these terms came from and some of them are also not comfortable with the terms that are in use but feel pressured to engage in what is touted as "common practice" here on our campus. I have learned that when both groups referenced were founded the term Latinx was not part of either of their titles... instead, from what has been shared with me, the shift to Latinx specifically is a more recent shift that coincided with the shift to also using that term in our student surveys and data reporting.

Some folks have shared with me that literally, one day they were directed, "We will now refer to Latino or Latina as Latinx" without explanation or rationale... and so it became in the organization, student surveys, and even class titles. I find it most interesting how the social construct of race is deconstructed and reconstructed by the Ivory Tower and educational bodies at whim and often without consent of the referenced peoples. As a sociologist by background, that none of us seem to be able to point to why or when these items came into use or fruition in our campus linguistic frames is troublesome on many levels. But I also understand that the way such things happen are perhaps beyond our individual locus of control. As for me, I do not use those newly invented terms out of respect for the cultures and languages of the working-class communities where I have worked for decades and also because a reasonable rationale and origin has not been provided to justify their use.

Language is powerful and so knowing how and why we are using certain terms to refer to groups of people is important to me as a teaching professional that is committed to equity, social justice, and multicultural education. I reached out to your team because the use of these terms is most visible in our data dashboard and so forth, and so I wanted to check in with you to see if perhaps you could shed more light about it and it appears that we are all still working in the dark and perhaps uncritically using racial category terms that we do not know the origin or intent of... thank you for your patience as I continue to process and wrap my mind around that reality and for your grace in helping me build my knowledge.

I greatly appreciate your patience, understanding and support as I continue to learn the complex landscape!

lee

**Tabia Lee, EdD (Preferred Name: Lee, My Pronouns: she/her/hers)**

Faculty Director for the [Office of Equity, Social Justice, and Multicultural Education](#)  
De Anza College, Media & Learning Center 250, Cupertino, CA 95014  
Phone 408.372.6609 | Email [leetabia@fhda.edu](mailto:leetabia@fhda.edu)  
[Zoom Drop-In Office Hours](#) M-TH from 11:30-12:30 - Join in any time!

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"Systems of oppression and privilege are interacting and mutually constitutive and reinforcing; we cannot oppose only one system of inequality and meet with any success. We must work to undermine all forms of inequality simultaneously." (Ferber & Samuels, 2010)

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**From:** Mallory Newell <newellmallory@fhda.edu>  
**Sent:** Tuesday, November 16, 2021 2:51 PM  
**To:** Tabia Lee <leetabia@fhda.edu>  
**Cc:** Lisa Ly <lylisa@fhda.edu>  
**Subject:** Re: Student Survey Terms – Request for Information

Hello Lee-

We tend to use language that is already being used on campus, we don't try to come up with any language on our own.

You will see that the employee group, [De Anza Latinx Association](#) (DALA) uses the terminology of Latinx, as does the student learning community, [Latinx Empowerment at De Anza](#) (LEAD).

We are starting to move towards the use of Black rather than African American, based on feedback from the Office of Communications. We have also used African Ancestry in the past as well.

That said, we are not wedded to any particular language, nor do we create anything new. We try to use what the overall college uses. We are open to the needs and interests of the community, so if you have heard that there are other preferred terms, please let us know.

Mallory

--

Mallory Newell, Ed.D.  
Supervisor, Institutional Research and Planning  
Chair, College Planning Committee  
Accreditation Liaison Officer

De Anza College  
21250 Stevens Creek Blvd.  
Cupertino, Ca 95014

email: newellmallory@deanza.edu  
phone: 408-864-8777

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**From:** Tabia Lee <leetabia@fhda.edu>  
**Sent:** Monday, November 15, 2021 8:08 AM  
**To:** Mallory Newell <newellmallory@fhda.edu>; Lisa Ly <lylisa@fhda.edu>  
**Subject:** Student Survey Terms – Request for Information

Hi Mallory and Lisa,

Thank you for all you do to bring us useful data. I'm writing to seek more information about the use of certain social category names that I notice are being used in our student surveys and our student survey reports; I have asked around and multiple folks don't know where these things came from or how they started. Specifically, will you please tell me the origin of the terms Latinx and Filipinx and also let me know when we started using these terms in our surveys and other student-facing items?

I'm curious to know more about this because as someone with deep roots in TESOL teacher support and training, I find that these terms are rooted in linguistic imperialism and were originated to suit English-speaker social norms. I further notice that these terms are [unknown beyond the Ivory Tower](#) and/or more widely to working class people.

I greatly appreciate any information or resources you can direct me to so that I can learn more about how and why this term is used in our surveys and institutional research reports. I appreciate your support, information, and guidance.

Thank you,

lee

**Tabia Lee, EdD (Preferred Name: Lee, My Pronouns: she/her/hers)**

Faculty Director for the [Office of Equity, Social Justice, and Multicultural Education](#)

De Anza College, Media & Learning Center 250, Cupertino, CA 95014

Phone 408.372.6609 | Email [leetabia@fhda.edu](mailto:leetabia@fhda.edu)

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# Exhibit 4

  
**FOOTHILL-DE ANZA**  
Community College District  
Judy C. Miner, Ed.D., Chancellor

February 23, 2023

**BY CERTIFIED MAIL/RETURN RECEIPT AND EMAIL**  
**FEDEX TRACKING NO. 771394102628**

Tabia Lee  
7889 Lichen Dr., Apt 259  
Citrus Heights, 95621-1074  
[leetabia@fhda.edu](mailto:leetabia@fhda.edu)  
[drtleel1@gmail.com](mailto:drtleel1@gmail.com)

RE: Notice of Non-Renewal of Contract

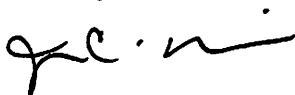
Dear Ms. Lee,

Attached is a copy of my memorandum to the Board of Trustees recommending that they not employ you as a contract faculty employee at De Anza College for the 2023-2024 academic year. After careful review of the information provided to me and the recommendation of President Lloyd A. Holmes, I conclude that it is not in the best interest of our students or the college to continue your employment.

In accordance with the Tenure Review Guidelines, I have enclosed a copy of all materials that will be presented to the Board on March 6, 2023, including the attached memorandum.

Please contact Vice Chancellor of Human Resources and Equal Opportunity Ray Quan if you have any questions or need additional information.

Sincerely,



Judy C. Miner, Ed.D.  
Chancellor

Enclosures:

- (1) Chancellor's Recommendation to Not Reemploy Tabia Lee
- (2) Tabia Lee Tenure Review File

cc: Lloyd A. Holmes, President, De Anza College  
Ray Quan, Vice Chancellor, Human Resources and Equal Opportunity

# Exhibit 5

Messages to Faculty and Staff x +

- C @ rhdaedu/\_chancellor/chancellor-messages.html?\_id=Message%20from%20Chancellor%20Lee%20Lambert - To%20my%20new&text=%20am%20truly%20honored%20and%20for%20the%20confidence%20in%20me.

## President of Foothill College

Dear Colleagues:

I am thrilled to announce that I am recommending Dr. Kristina Whalen as Foothill College's eighth president! My recommendation will be included on the agenda for the January 9 Board of Trustees meeting, and, with trustees' approval, Kristina will start her new position on April 1, 2023.

After carefully considering Kristina's qualifications and experience, feedback from her campus visit, and recommendations from her current and past colleagues, I am confident that Kristina's skills, experience and character match well with Foothill's needs — now and in the future.

Kristina is currently vice president of academic services at Las Positas College in Livermore, a position she has held for more than three years. During that time, Kristina has served as accreditation liaison officer, senior leader of the Presidential Call to Action for Antiracism and Equity, and co-chair of the college's Enrollment Management Committee, a position that works alongside labor leaders to use enrollment data, trends, and predictive data to build yearlong schedules.

Prior to Las Positas, Kristina served in successively responsible positions at City College of San Francisco, starting in 2005 as a faculty member in communication studies and culminating in the position of associate vice chancellor of instruction, enrollment management and instructional support services.

### **Collaborative leadership style**

In the position profile, we said that Foothill's next president must be able to promote clear and consistent communication and collaborate effectively with faculty, staff and students. Without exception, Kristina's references painted a picture of a visible, engaged and collaborative leader who takes the time to listen to everyone, qualities we all want to see in Foothill's next leader. Classified colleagues at Las Positas College and San Francisco City College describe Kristina as "very accessible and approachable" and "always positive." They said she "knows the impact classified professionals have on student success," "makes everyone feel valued and included," "involved all sides in meetings," "always represented our values of transparency," and "supported classified staff as well as faculty."

A Las Positas College administrator confirmed Kristina's record of inclusive leadership, stating "Dr. Whalen is the epitome of a heart-forward leader. She deftly combines her visionary focus on what is best for all students with a warm, approachable style that makes every person feel heard and important. Kristina is always there for our dean team, providing direction and honoring our expertise."

Students, too, had nothing but praise for Kristina. An alumnus and former student leader wrote I appreciated how Dr. Whalen made time out of her busy day to come to sit and speak to us in the Veterans Resource Center about our concerns as a student on campus. To gain a better understanding of us as people, she showed interest in our personal lives. She asked us about our family, goals, potential career opportunities and how our military experience changed us.

That level of engagement with veterans is inspiring. Plus, she attended almost every event sponsored by the Veterans First Program. Her showing up and being present at these events visibly demonstrated her commitment and care, not only for veterans, but for all students at LPC. Dr. Whalen's style of leadership promotes student success.

Faculty leaders were just as generous with their appreciation of Kristina's leadership. A Faculty Association officer at Chabot-Las Positas Community College District wrote "Dr. Whalen is by far one of the best administrators I have ever worked with directly in my role as the lead of the Faculty Association for Las Positas College. She and I worked very close together and always work collaboratively to find a solution to problems as they arose."

And the Las Positas Academic Senate President shared the following:

In total I have been Academic Senate President for 10 years at LPC. I have collaborated with six different VPAS, and, by far, Kristina has been our best. One of Kristina's greatest strengths – she is a conscientious and concise communicator. Kristina is authentic, she is transparent, she is thoughtful, she is protective of her staff, she has a great sense of humor, she is industrious, she is a good listener, she is empathetic, and she is welcoming. She is not a doormat, she is not egocentric, and she is not manipulative.

### **Commitment to Equity**

We also described in the job announcement the need for a president who values social justice in education and is a passionate and thoughtful advocate for student success.

In her application, Kristina wrote "I have developed a habit of mind that sees and interrogates both personal and systemic practices through the lens of gender, ethnicity, ability, and class status. This habit of mind prompts me to critically ask, 'How is sexism, racism, ableism, and classism influencing the choices and decisions I make, both personally and professionally?' My commitment to asking those questions is part of why working in and teaching diverse populations has been my calling."

As vice president at Las Positas, Kristina provided oversight to redesign the curriculum development process to address equity-minded course design, supported the development of equity considerations as a required function of curriculum development, and established a White Allyship community of practice that seeks to understand and work toward decentering whiteness as the standard guiding policy and practice.

With faculty leaders, she developed a model for credit for prior learning to award college credit for adult learners' work experience and created processes to support the Persistence Project, a faculty collaboration that uses proven engagement strategies to increase persistence, which resulted in the elimination of the persistence gap for African American students in its first year. During the pandemic, Kristina helped Las Positas institute equity-focused strategies, including flipping the model of student engagement so that students are not invited to find resources, but resources find students.

As part of her personal commitment to equity-minded professional development, Kristina completed a six-part professional learning academy with USC Race and Equity Center with her cohort of Aspen College Excellence Rising President fellows.

### **Entrepreneurial Community Partner**

Finally, we said in the profile that we were seeking an accomplished and entrepreneurial community partner and fundraiser who is skilled at developing community and business partnerships to gain access to resources.

Kristina's commitment to forging strong community relationships has led to collaborations with the Silicon Valley Leadership Group to connect employers to students, including establishment of five new apprenticeship programs; the City of Livermore to connect continuous training of the police force with 21st Century Policing; and the Livermore Airport to expand the pipeline of aircraft maintenance technicians. Kristina also worked with the Federal Correctional Institution for Women to enroll students in noncredit small business and customer service programs and secured half a million dollars in grant funding from the Bureau of Prisons to support the program.

Kristina successfully pursued supplemental funding while at City College of San Francisco as well, serving as primary author of a Governor's Innovation Application that resulted in a \$3 million award to sustain collaborative and innovative strategies between the school district, mayor's office, and the college to ensure that students without a postsecondary plan were enrolled at their community college.

I would like to express sincere gratitude to everyone who took the time to share thoughts about the candidates with me. Thanks again to search consultant Dorene Novotny and members of the President Search Committee for your hard work and professionalism, ETS's Marty Kahn for recording and posting the open forums, and Foothill's Julie Ceballos for excellent work on the search website. A special thanks, too, to Bernadine Chuck Fong, for stepping back into the role of president during our time of need and helping our new president get off to a good start.

I am excited to have Kristina join the district executive team. I know I can count on each of you to welcome Kristina and support her success as Foothill's next president.

Warmest regards,  
Judy

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Dec. 6, 2022

# Exhibit 6



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

KEVIN KISH, DIRECTOR

## Civil Rights Department

2216 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1694 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711  
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

September 14, 2023

Tabia Lee  
7889 Lichen Dr. #259  
Citrus Heights, CA

RE: **Notice of Case Closure and Right to Sue**  
CRD Matter Number: 202309-21967514  
Right to Sue: Lee / Foothill-De Anza Community College District et al.

Dear Tabia Lee:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective September 14, 2023 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION  
BEFORE THE STATE OF CALIFORNIA  
Civil Rights Department  
Under the California Fair Employment and Housing Act  
(Gov. Code, § 12900 et seq.)**

**In the Matter of the Complaint of  
Tabia Lee**

**CRD No. 202309-21967514**

**Complainant,**

**vs.**

**Foothill-De Anza Community College District  
12345 El Monte Rd.  
Los Altos Hills, CA 94022**

**Lloyd Holmes  
21250 Stevens Creek Blvd.  
Cupertino, CA 95014**

**De Anza Community College  
21250 Stevens Creek Blvd.  
Cupertino, CA 95014**

**Alicia Cortez  
21250 Stevens Creek Blvd.  
Cupertino, CA 95014**

**Christina Espinosa-Pleb  
21250 Stevens Creek Blvd.  
Cupertino, CA 95014**

**Thomas Ray  
21250 Stevens Creek Blvd.  
Cupertino, CA 95014**

**Lydia Hearn  
21250 Stevens Creek Blvd.  
Cupertino, CA 95014**

**Respondents**

**-1-**

**Complaint – CRD No. 202309-21967514**

**Date Filed: September 14, 2023**

1 **1. Respondent Foothill-De Anza Community College District is an employer subject to suit**  
2 **under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12800 et seq.).**

3 **2. Complainant is naming Lloyd Holmes individual as Co-Respondent(s).**  
4 **Complainant is naming De Anza Community College business as Co-Respondent(s).**  
5 **Complainant is naming Alicia Cortez individual as Co-Respondent(s).**  
6 **Complainant is naming Christina Espinosa-Pleb individual as Co-Respondent(s).**  
7 **Complainant is naming Thomas Ray individual as Co-Respondent(s).**  
8 **Complainant is naming Lydia Hearn individual as Co-Respondent(s).**

9 **3. Complainant Tabla Lee, resides in the City of Citrus Heights, State of CA.**

10 **4. Complainant alleges that on or about June 30, 2023, respondent took the**  
11 **following adverse actions:**

12 **Complainant was harassed because of complainant's color, sex/gender, gender identity or**  
13 **expression, race (includes hairstyle and hair texture).**

14 **Complainant was discriminated against because of complainant's color, sex/gender,**  
15 **gender identity or expression, race (includes hairstyle and hair texture) and as a result of the**  
16 **discrimination was terminated, forced to quit, denied hire or promotion, reprimanded,**  
17 **suspended, demoted, denied any employment benefit or privilege.**

18 **Complainant experienced retaliation because complainant reported or resisted any form**  
19 **of discrimination or harassment, participated as a witness in a discrimination or harassment**  
20 **complaint and as a result was terminated, forced to quit, denied hire or promotion,**  
21 **reprimanded, suspended, demoted, denied any employment benefit or privilege.**

22 **Additional Complaint Details: See Complaint**

23  
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25  
26 -2-

27 **Complaint – CRD No. 202309-21987514**

28 **Date Filed: September 14, 2023**

1 **VERIFICATION**

2 **I, Michael Thad Allen, am the Attorney in the above-entitled complaint. I have read**  
3 **the foregoing complaint and know the contents thereof. The matters alleged are**  
4 **based on information and belief, which I believe to be true.**

5 **On September 14, 2023, I declare under penalty of perjury under the laws of the State**  
6 **of California that the foregoing is true and correct.**

7 **New London, Connecticut**  
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26 **-3-**

27 **Complaint – CRD No. 202309-21967514**

28 **Date Filed: September 14, 2023**